

COOPER & DUNHAM LLP

ATTORNEYS AT LAW

1185 AVENUE OF THE AMERICAS, NEW YORK, NEW YORK 10036
TELEPHONE: (212) 278-0400

CHRISTOPHER C. DUNHAM
NORMAN H. EYEN
JOHN F. WHITE
ROBERT S.S. HOROWITZ
ERIC D. KIRSCH
SARV J. GERSHIK
WENBOY E. MILLER
ROBERT T. MALDONADO
ALAN J. ROSSIGNOL
AUDE BERSPACHNER
JEFFREY C. SHIER
JOSEPH R. GROSS
DANIEL H. SMITH
NILAY D. RAHEL

IVAN S. SAVRUKOV
PETER S. MURRAY
WILLIAM E. FELTON
ROBERT D. RAYE
PAUL TENG
PETER J. MILLER
RICHARD S. MILLER
RICHARD P. JAWORSKI
MARIA V. MARUSEI
ASHLEY J. DELAUNEY
BRIAN J. ARNO
TONIA A. SAYOUR
LESLIE K. NOUYEN

FACSIMILE: (212) 391-0525
(212) 391-0526
(212) 391-0530
(212) 391-0531
(212) 391-0537

OF COUNSEL
DONALD G. DOWDEN
SCIENTIFIC ADVISOR
JAMES R. MAJOR, D. PHIL.
FOUNDED 1887
COOPER & DUNHAM LLP

FACSIMILE TRANSMISSION

RECEIVED
CENTRAL FAX CENTER

MAY 12 2006

PLEASE DELIVER THE FOLLOWING PAGES

COMPANY/FIRM : U.S. Patent and Trademark OfficeFACSIMILE NO.: (571) 273-8300FROM : Gary J. Gershik/DNSTOTAL NUMBER OF PAGES, INCLUDING COVER PAGE: 18DATE : May 12, 2006 TIME:

IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL BACK AS SOON AS POSSIBLE TO (212) 278-0414.

MESSAGE: Re: U.S. Serial No. 10/052,961

AMENDMENT UNDER 37 CFR §1.116 IN RESPONSE TO JANUARY 6, 2006 FINAL OFFICE ACTION AND PETITION FOR A TWO-MONTH EXTENSION OF TIME

THE INFORMATION CONTAINED IN THIS FACSIMILE TRANSMISSION IS INTENDED SOLELY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENT(S) NAMED ABOVE. THIS TRANSMISSION MAY BE AN ATTORNEY-CLIENT COMMUNICATION CONTAINING INFORMATION THAT IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT A DESIGNATED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING IT TO A DESIGNATED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISTRIBUTION, OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, OR IF UPON READING THIS DOCUMENT YOU HAVE REASON TO BELIEVE THAT THE DOCUMENT WAS INADVERTENTLY SENT TO YOU, PLEASE NOTIFY US IMMEDIATELY BY COLLECT TELEPHONE CALL AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

Docket No. 44657-AAA-PCT-US/JPW/GJG/DNS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Joseph R. BergerSerial No. : 10/052,961 Group Art Unit: 1617Filed : January 18, 2002 Examiner: S. WangTitle : A METHOD FOR AMELIORATING MUSCLE WEAKNESS/WASTING IN A PATIENT INFECTED WITH HUMAN IMMUNODEFICIENCY VIRUS-TYPE 1

1185 Avenue of the Americas
New York, New York 10036
May 12, 2006

BY FACSIMILE - (571)273-8300
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FACSIMILE CERTIFICATION OF TRANSMISSION
IN CONNECTION WITH THE ABOVE-IDENTIFIED APPLICATION

Date of Facsimile: May 12, 2006. I hereby certify that this paper including Amendment Under 37 C.F.R. §1.116 in Response to January 6, 2006 Final Office Action With Petition for A Two-Month Extension of Time is being transmitted to the U.S. Patent and Trademark Office on the date indicated above by facsimile and is addressed to U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 Attn: S. Wang.

Printed Name: Gary J. Gershik

Respectfully submitted,

Gary J. Gershik
John P. White
Registration No. 28,678
Gary J. Gershik
Registration No. 39,992
Attorneys for Applicant(s)
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400

BEST AVAILABLE COPY

EXPEDITED PROCEDURE
RESPONSE UNDER 37 C.F.R. §1.116
GROUP ART UNIT 1617

RECEIVED
CENTRAL FAX CENTER
MAY 12 2006

Docket No. 44657-AAA-PCT-US/JPW/GJG/DNS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Joseph R. Berger
Serial No.: 10/052,961 Group Art Unit: 1617
Filed : January 18, 2002 Examiner: S. Wang
Title : A METHOD FOR AMELIORATING MUSCLE WEAKNESS/WASTING
IN A PATIENT INFECTED WITH HUMAN IMMUNODEFICIENCY
VIRUS-TYPE 1

1185 Avenue of the Americas
New York, New York 10036
May 12, 2006

BY FACSIMILE - (571)273-8300

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AMENDMENT UNDER 37 C.F.R. §1.116 IN RESPONSE TO
JANUARY 6, 2006 FINAL OFFICE ACTION AND PETITION
FOR A TWO-MONTH EXTENSION OF TIME

This is an Amendment in response to the Final Office Action issued by the United States Patent and Trademark Office on January 6, 2006 in connection with the above-identified application. A response to the January 6, 2006 Final Office Action was due April 6, 2006. Applicant hereby petitions for a two-month extension of time to respond. The fee for a two-month extension of time is FOUR HUNDRED FIFTY DOLLARS (\$450.00) and authorization is hereby given to charge this amount to Deposit Account No. 03-3125. With a two-month extension of time a response is due June 6, 2006. Accordingly, this Amendment is being timely filed.

Amendments to the Claims begin on page 2.

Remarks begin on page 6.

05/15/2006 TL0111 00000052 033125 10052961
01 FC:1201 200.00 DA
02 FC:1202 450.00 DA
03 FC:1252 450.00 DA